

Opening Statement
Dennis Kucinich, Chairman
Domestic Policy Subcommittee
Oversight and Government Reform Committee
Hearing on ONDCP Budget and Policy
May 19, 2009
2154 Rayburn HOB
2:00 P.M.

We are here today to address the policy priorities and 2010 Budget for the Office of National Drug Control Policy, which is now under the leadership of the newly confirmed Director, Gil Kerlikowske. I'd like to start by congratulating Mr. Kerlikowske on his confirmation – I am extremely pleased that President Obama chose such a highly qualified individual for the job, and I truly look forward to working together. I'd also like to reaffirm the Majority's commitment to Mr. Jordan that we intend to work in a bipartisan fashion in overseeing the ONDCP and its ability to create effective policy to reduce drug use and its harmful consequences.

I was pleased to read Director Kerlikowske's interview with the Wall Street Journal last week, during which he acknowledged that we need to abandon the metaphor of the nation's "war on drugs." Clearly the war waged since the coining of the phrase by former President Richard Nixon has failed. But we need to do more than change the label. We must also change the policy. The current national strategy, which emphasizes incarceration and interdiction to reduce drug use and its harmful consequences, has clearly failed. The United States ranks first in the world in per capita incarceration rates, with 5% of the world's population but 25% of the world's prisoners. Roughly 500,000 people are behind bars for a drug law violation, and the racial disparity in the arrests and incarceration numbers – largely a result of selective enforcement and the federal mandatory minimum sentence for crack cocaine – is unacceptable. And despite these record-breaking numbers, drugs have only become cheaper, stronger, and more accessible in the U.S., the largest consumer of drugs in the world.

This record of failure is not tolerable and requires substantial reform. Despite promising statements by the new administration and Director Kerlikowske, the FY 2010 Budget does not reflect a changed approach to fighting drug abuse. While there is an increased emphasis on

treatment programs, the spending allocated to supply-side initiatives still vastly outweighs the demand-side programs. The 2010 budget actually widens the spending gap by allocating 65.6% of the budget to supply-side initiatives, and only 34.4% to demand-side efforts. As we will hear from our witnesses today, spending nearly two dollars on supply-side programs for every dollar on demand-side programs make little sense considering the vast social scientific data showing that demand side initiatives, especially drug treatment and prevention, are far more effective in combating drug use.

Now I understand, Mr. Kerlikowske, that you had not yet been confirmed while this budget was developed. Perhaps it does not reflect fully your or the new Administration's intended direction. We will need to hear from you today on that point.

While we won't have time to evaluate every important drug policy issue today, a few warrant mentioning:

First, our international supply-side programs should be reevaluated to ensure they are not doing more harm than good. I am deeply concerned about the practice of aerial fumigation of coca crops in Central and South America, which is destroying the livelihoods of small farmers and is increasing the rate of rainforest destruction. Additionally, the Merida Initiative designed to assist Mexico in its fight against drug trafficking needs to be watched closely to ensure that the U.S. is not fueling the violence by creating power vacuums when we help take out cartel leaders.

Second, we cannot afford to concentrate so much of our effort on youth marijuana use at the expense of addressing the needs of addicts of harder drugs who are not getting sufficient treatment under the current strategy. In 2006, nearly half of all arrests for drug law violations were for marijuana, with nearly 740,000 for possession alone. Public leaders from all over the world and across the political spectrum are starting to call for a robust debate on whether legalizing marijuana would reduce drug-related crime and provide other benefits. On May 6th, California Governor Arnold Schwarzenegger stated publicly that the discussion over whether to legalize and tax marijuana for recreational use in California would benefit from a large-scale study to show the possible impact of such a change. The El Paso, Texas City Council passed a resolution earlier this year urging Congress to consider some form of decriminalization or

legalization as a way to undercut organized crime. While I'm not suggesting this is the solution to our drug epidemic, as the nation's leading drug policymaker, the ONDCP has an obligation to begin to study this issue. A good place to start is commissioning the National Academy of Sciences to examine available research and provide an objective overview of the risks and benefits associated with both marijuana use and marijuana policies.

Third, as the new Administration has now recognized, the drug problem in the U.S. is a public health crisis, and drug policy should reflect a desire to reduce harms associated with drug use. According to the U.S. Centers for Disease Control and Prevention, 36% of AIDS cases in the United States can be traced back to intravenous drug use. The ONDCP cannot afford to ignore the strong scientific consensus that needle-exchange programs are effective at reducing the transmission of HIV without leading to more drug abuse. The Obama Administration had pledged to support lifting the ban on federal funding of syringe exchange, yet the 2010 Federal Budget still contains the ban. I hope that the ONDCP will work to help make lifting this ban a reality.

In addition to policy reform, we will need to discuss certain specific examples of problems this Subcommittee has noted at ONDCP in the past, and your intentions to address them.

Last year, this Subcommittee held a hearing on the ONDCP's compliance with the Reauthorization Act, and found that by and large the ONDCP had ignored mandates to change its budget reporting structure to include all drug control activity; improve its performance measurement system; and collaborate with Congress effectively through reports and meaningful dialogue. Now, I am glad to hear that the ONDCP has already begun implementing changes resulting from Congress' concerns and the Report of the National Association of Public Administrators. But the FY 2010 Budget still retains the limited budget structure that has been used since 2004, and does not incorporate new performance measures. It is our hope that the ONDCP will act speedily to come into compliance with the Reauthorization Act's requirements so that Congress will have the ability to determine which drug control policies are effective in reducing drug abuse.

The ONDCP Reauthorization Act of 2006 is set to expire at the end of 2010. The 111th Congress – and this Subcommittee in particular – will have the challenging task of ensuring that the 2010 Reauthorization reflects the direction we want this country’s drug policy to go in. We are committed to working cooperatively with ONDCP to strengthen our nation’s drug policy, and look forward to beginning this dialog today with new leadership in the office.